

APPENDIX A

COUNCIL ON RESOURCES
AND DEVELOPEMENT

New Hampshire Council on Resources and Development

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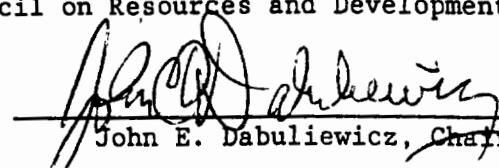


BE IT RESOLVED that the Council on Resources and Development, having endorsed the Final Environmental Impact Statement for the New Hampshire Coastal Program on May 20, 1988, and having reviewed the consolidated New Hampshire Coastal Program Document, accepts the document as an accurate description of state agency regulations and programs in the seacoast area.

BE IT FURTHER RESOLVED that the Council agrees to continue to coordinate the implementation of the New Hampshire Coastal Program in the expanded coastal area consistent with existing state laws, policies, and procedures as contained in the coastal program document, and shall:

- I. Consult upon common problems in the fields of environmental protection, natural resources, and growth management;
- II. Consult with, negotiate with, and obtain information from, any federal or state agency concerned with any of the council's problems, reports, recommendations or studies;
- III. Make biennial reports and recommendations, as may be desirable, to the governor and council;
- IV. Make studies and recommendations concerning changes to effectively coordinate the work of agencies which have membership in the council. Recommendations adopted by a majority vote of the council shall be binding on the affected agencies which have membership in the council, unless the recommendations are in conflict with existing laws or rules;
- V. Resolve differences or conflicts concerning development or resource management which result from the work of any agency represented on the council in developing policies, plans or programs. The council shall investigate; if possible, resolve the problem, and if appropriate, submit its recommendations to the governor and council or to the general court. If investigation by the council shows that the laws and rules of an agency represented on the council are in conflict with those of another agency, the council shall submit a report with recommendations to the governor and council or to the general court;
- VI. Resolve differences and conflicts among the agencies and departments of the state in the implementation of the tourism policy under RSA 12-A:23; and
- VII. Review the disposal of state owned real property pursuant to RSA 4:40.

Resolution formally adopted by the Council on Resources and Development on May 20, 1988. A true copy, attest.


John E. Dabuliewicz, Chairman

CHAPTER 162-C

COUNCIL ON RESOURCES AND DEVELOPMENT

[New Sections]

162-C: 5 Staff.

162-C: 1 Council Established. There is established a council on resources and development which shall include the following members:

- I. The director of the office of state planning who shall serve as chairman of the council.
- II. The commissioner, department of resources and economic development.
- III. The commissioner, department of environmental services.
- IV. The commissioner, department of agriculture.
- V. The executive director, fish and game department.
- VI. The commissioner, department of safety.
- VII. The director of civil defense.
- VIII. The director, division of public health services.
- IX. The commissioner, department of education.
- X. The commissioner, department of transportation.

Source. 1963, 301: 1. 1965, 212: 1. 1986, 176: 3; 202: 6, I(c). 1987, 283: 5, eff. May 25, 1987.

Editor's note. In par. VII, the reference to the director of civil defense, as established under former RSA 107: 3, appears to be obsolete in view of the repeal of former RSA 107 by 1987, 162: 8. The state director of emergency management, as established by 1987, 162: 1, appears to be vested with authority similar to the authority formerly vested in the director of civil defense. See RSA 107-C: 3.

Amendments—1986. Amended generally by ch. 176.

Chapter 202 substituted "director of the division of water supply and pollution control; director, division of water resources, department of environmental services" for "executive director of the water supply and pollution control commission; chairman of the water resources board".

—1987. Amended section generally.

Effective date of 1986, 202 amendment. 1986, 202: 31, I, eff. July 1, 1986, provided

that the provision of the act amending this section was to take effect on the date the department of environmental services established by the act becomes operational on the date set according to 1983, 372: 5,

II. 1983, 372: 5, II, is set out in a note following the analysis for RSA 21-G.

Severability. 1986, 176: 3 was subject to a severability clause. See 1986, 176: 4.

CROSS REFERENCES

Department of environmental services generally, see RSA 21-O.

162-C: 2 Responsibilities. The council shall:

I. Consult upon common problems in the fields of environmental protection, natural resources, and growth management; [Amended 1987, 283: 6, eff. May 25, 1987.]

II. Consult with, negotiate with, and obtain information from, any federal or state agency concerned with any of the council's problems, reports, recommendations or studies;

III. Make biennial reports and recommendations, as may be desirable, to the governor and council;

IV. Make studies and recommendations concerning changes to effectively coordinate the work of the agencies which have membership in the council. Recommendations adopted by a majority vote of the council shall be binding on the affected agencies which have membership in the council, unless the recommendations are in conflict with existing laws or rules;

V. Resolve differences or conflicts concerning development or resource management which result from the work of any agency represented on the council in developing policies, plans, or programs. The council shall investigate; if possible, resolve the problem; and if appropriate, submit its recommendations to the governor and council or to the general court. If investigation by the council shows that the laws and rules of an agency represented on the council are in conflict with those of another agency, the council shall submit a report with recommendations to the governor and council or to the general court; [Amended 1987, 283: 7, eff. May 25, 1987.]

VI. Resolve differences and conflicts among the agencies and departments of the state in the implementation of the tourism policy under RSA 12-A: 23; and

VII. Review the disposal of state owned real property pursuant to RSA 4: 40.

Source. 1963, 301: 2. 1965, 212: 2. 1973, 140: 7. 1981, 364: 1. 1986, 165: 3; 224: 5. 1987, 283: 6, 7, eff. May 25, 1987.

Amendments—1981. Amended section generally and added additional responsibilities regarding the resolution of differences or conflicts concerning water management.

—1986. Paragraph IV: Chapter 224 deleted "and" following "rules" at the end of the paragraph.

Paragraph V: Chapter 224 made minor stylistic changes.

Paragraph VI: Added by ch. 165.

Chapter 224 added "and" following "RSA 12-A: 23".

Paragraph VII: Added by ch. 224.

—1987. Paragraph I: Amended generally.

Paragraph V: Substituted "development or resource management" for "water management and supply" following "concerning" and "policies, plans, or programs" for "a plan or program affecting water allocation" following "developing" in the first sentence.

Contingent 1986 amendment. 1986, 224: 2, provided for amendment of this section. However, under the terms of 1986, 224: 6, eff. Aug. 5, 1986, the amendment did not become effective.

Establishment of criteria and procedures for designation of lakes, portions of lakes or stretches of rivers as water areas de-

4: 40 Disposal of Real Estate. Disposal of state owned real estate shall occur as follows:

I. Except as provided in RSA 4: 39-a and paragraph II of this section, upon recommendation of the head of any state department having jurisdiction over the same and with the approval of the council on resources and development, all requests for the disposal or leasing of state-owned properties shall be reviewed and approved by the long range capital planning and utilization committee prior to submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the town, city, or county in which the property is located. If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property. [Amended 1987, 381: 2, eff. July 25, 1987.]

II. If, upon recommendation of the head of any state department having jurisdiction over the same, the long range capital planning and utilization committee determines that the property may be suitable for use as low-income rental housing sites, the governor and council may lease without consideration the property to the New Hampshire housing finance authority under RSA 204-C for use as low-income rental housing sites. If the New Hampshire housing finance authority refuses the offer, the property shall be disposed of according to paragraph I of this section. In this paragraph, "low-income rental housing" means projects that are designed for occupancy by low-income persons and families earning no more than 80 percent of the median area income, as defined from time to time by the United States Department of Housing and Urban Development.

III. Sales of real property under this section shall be at not less than a current market value of the subject property as may be determined by the governor and council. If the town, city, or county decides to resell the property, it shall first offer the property to the state at the market value at the time of sale.

IV. This section shall not apply to sale of institutional lands as provided by RSA 10: 4, to real estate given or bequeathed to the state under provisions of trust, or to state lands or their products required to be held to procure a continuance of federal conservation work.

Source. 1931, 105: 1. 1935, 140: 3. RL 27: 34. RSA 4: 40. 1982, 42: 222. 1983, 428: 5. 1986, 224: 1. 1987, 381: 2, eff. July 25, 1987.

Amendments—1982. New provisions added requirement of approval of the office space study committee for disposal of real estate; added provision that sales of real property under this section shall be at not less than a current appraised value of the subject property as may be

determined by the governor and council; and deleted reference to exception as provided by RSA 219: 15 relative to funds reverting to credit of department having jurisdiction over property.

—1983. Substituted "long range capital planning and utilization committee" for "office space study committee" in the first sentence.

—1986. Amended section generally.

—1987. Paragraph I: Inserted "RSA 4:39-a and" following "except as provided in" in the first sentence.

Disposition of proceeds of sales. 1985, 358:2, eff. June 18, 1985, provided: "Notwithstanding the provisions of RSA 4:40 and RSA 10:4 or any other provision of

law, all funds received during the fiscal biennium ending June 30, 1987, from the sale of real property the acquisition of which was funded by general fund appropriation, by the state shall be deposited by the state treasurer in the general fund as unrestricted funds."

CROSS REFERENCES

Council on resources and development, see RSA 162-C.

Long range capital planning and utilization committee, see RSA 17-M.

ANNOTATIONS

½. Construction

Where a parcel of land had been conveyed to the state in 1967, and in 1981 the governor and executive council executed a long-term lease of the land to an electric company for a hydroelectric project, it was doubtful whether the exclusion within this section relative to lands conveyed under provisions of trust was applicable to the lease since the deed conveying the land to the state provided only that if the premises or any part

thereof were dedicated for use as a public recreational area the premises or such part were to be dedicated in honor of some prominent person, and since the grantor had indicated that it had no objection to the proposed use of the land for a hydroelectric project. Appeal of Committee to Save the Upper Androscoggin (1983) 124 NH 17, 466 A2d 1308.

1. Cited

Cited in Opinion of the Justices (1985) 126 NH 490, 494 A2d 261.

Conveyance of Property Under Water

CROSS REFERENCES

Department of environmental services, see RSA 21-O.

Waters and water resources generally, see RSA 481 et seq.

4:40-a Grant of Right. The governor and council, upon petition and upon recommendation of the wetlands board after consultation with the fish and game commission and such other state agencies as may be involved, may, for such consideration as they deem just, convey sand and gravel which is on the bed of any navigable water or great pond, in accordance with the provisions of this subdivision. For the purpose hereof great pond is defined as a public water of more than ten acres.

Source. 1959, 113:2. 1979, 392:3, eff. Aug. 22, 1979.

Amendments—1979. Changed the name of "water resources board" to "wetlands board".

4:40-b Petition. Every petition for such sand or gravel shall be referred to the wetlands board and said board, after due notice to abutters and others as deemed necessary and upon investigation shall make its recommendations to the governor and council. If the board shall recommend that the petition be granted such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area from which said sand or gravel is to be taken.

Source. 1959, 113:2. 1979, 392:3, eff. Aug. 22, 1979.

Amendments—1979. Changed the name of "water resources board" to "wetlands board".

4:40-e Penalty. Whoever removes sand and gravel from the bed of any navigable water or great pond in violation of any provisions of RSA 4:40-a, RSA 4:40-b, and RSA 4:40-c, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

Source. 1969, 148:1. 1973, 529:2, eff. at 11:59 P.M., Oct. 31, 1973.

Amendments—1973. Amended generally to conform provisions to new criminal code.

CROSS REFERENCES

Classification of crimes, see RSA 625:9.

Sentences, see RSA 651.